

SIKKIM



GOVERNMENT

GAZETTE

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No. 203

**GOVERNMENT OF SIKKIM
MOTOR VEHICLES DIVISION, TRANSPORT DEPARTMENT
YATAYAT BHAWAN, GANGTOK: 737101
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No. GOS/MVD/T/2022-23/78

Dated: 23/05/2022

NOTIFICATION

The following draft of certain rules which the State Government proposes to make, in the exercise of the powers conferred under Section 28, 38, 65, 95, 96, 107, 111, 138, 176 and 211 of the Motor Vehicles Act, 1988 (59 of 1988), is hereby published as required by sub-section (1) of section 212 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft rules would be taken into consideration after the expiry of a period of 45(forty-five) days from the date on which the copies of notification as published in the Official Gazette are made available to the public:-

Objections and suggestions, if any, may be addressed to the Secretary to the Government of Sikkim, Transport Department, Gangtok, East Sikkim – 737101.

Any objections or suggestions, which may be received from any person or persons with respect to the said draft rules before the expiry of the period so specified shall be considered by the State Government.

DRAFT RULES

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| Short title, extent and commencement | 1 | (1) These rules may be called the Sikkim Motor Vehicles (Amendment) Rules, 2022.
(2) They shall extend to the whole of Sikkim.
(3) They shall come into force on the date of their publication in the Official Gazette. |
| Substitution of rule 96 | 2 | In the Sikkim Motor Vehicles Rules, 1991, for rule 96 and the entries relating thereto, the following shall be substituted, namely:-
"Rule 96. Grant of Permits |

- (1) The State Transport Authority of the State may, subject to the provision of section 69 of the Act, issue a permit to be valid in the state.
- (2) An application for grant of permit in respect of contract carriage or stage carriage or goods carriage may be made in the requisite form prescribed under rules 74 and 74(A) of the Sikkim Motor Vehicles Rules, 1991 accompanied by the following documents required for the respective types of permits:
 - (a). Contract Carriages (motor cabs, maxi cabs and Luxury tourist vehicles):
 - (i) Sikkim Subject Certificate or Certificate of Identification or Residential Certificate accompanied by Below Poverty Line (BPL) certificate issued by DESME.
 - (ii) Unemployment certificate issued by panchayat/ councillor or office of the BDO / Sub Divisional Magistrate or local employment Card.
 - (iii) Parking Certificate from Superintendent of Police, in case of urban areas.
 - (iv) An undertaking in the form of an affidavit stating that the permit holder shall employ a driver having a Sikkim Subject Certificate or Certificate of Identification. In case the taxi is found to be driven by a driver not having a Sikkim Subject Certificate or Certificate of Identification, the permit shall stand cancelled forthwith. In case of non-availability of such a driver, the owner shall be exempted only with the permission of the Government.
 - (v) Voter identity card or ration card or driving license or passport for proof of permanent/temporary residence.
 - (b) Stage Carriages:
 - (i) Sikkim Subject Certificate or Certificate of Identification.
 - (ii) Unemployment certificate issued by panchayat/ councillor or office of the BDO / Sub Divisional Magistrate or local employment Card.
 - (iii) An undertaking in the form of an affidavit stating that the permit holder shall employ a driver having a Sikkim Subject Certificate or Certificate of Identification. In case the vehicle is found to be driven by a driver not having a Sikkim Subject Certificate or Certificate of Identification, the permit shall stand cancelled forthwith. In case of non-availability of such a driver, the owner shall be exempted only with the permission of the Government.

- (iv) Voter identity card or ration card or driving license or passport for proof of permanent/temporary residence.
 - (v) For transportation of employees of the company based in Sikkim, copy of agreement drawn between the Sikkim Nationalized Transport (SNT) and applicant for the operation of the bus under SNT supervision.
- (c) Goods Carriage Vehicles:
- (i) Sikkim Subject Certificate or Certificate of Identification or Trade License or documents of landed property in the state of Sikkim or Residential Certificate or Contractual Enlistment with the relevant department from the Government of Sikkim.
 - (ii) Unemployment certificate issued by panchayat/ Councillor or office of the BDO / Sub Divisional Magistrate or local employment Card.
 - (iii) An undertaking in the form of an affidavit stating that the permit holder shall employ a driver having a Sikkim Subject Certificate or Certificate of Identification. In case the vehicle is found to be driven by a driver not having a Sikkim Subject Certificate or Certificate of Identification, the permit shall stand cancelled forthwith. In case of non-availability of such a driver, the owner shall be exempted with the permission of the Government.
 - (iv) Voter identity card or ration card or driving license or passport for proof of permanent/temporary residence.
 - (v) For power developers and pharmaceutical companies etc, the following documents may be submitted namely;
 - (A) Copy of registration certificate of company,
 - (B) Agreement with the Government,
 - (C) Work order,
 - (D) Undertaking to employ local drivers,
 - (E) The permits so granted will be for operation within the project sites only. For transportation of materials outside the project site, services of Sikkim Nationalized trucks and local transporter shall be used as per Governments norms.
- (3). In case of a grant of permit to a Sikkimese woman married to a non-Sikkimese, a one-time non-transferable permit shall be granted. The transfer of ownership of the permit to the biological kin may be allowed subject to the approval of the Government in each and every case of transfer of ownership of such cases. The permit will be granted on submission of the following documents:

- (a) Sikkim Subject Certificate or Certificate of Identification of self and father.
- (b) Marriage certificate issued by the competent authority.
- (c) Unemployment certificate issued by panchayat/ Councillor or office of the BDO / Sub Divisional Magistrate or local employment Card.
- (d) Parking Certificate from Superintendent of Police, in case of urban areas.
- (e) Voter identity card or ration card or driving license or passport for proof of permanent/temporary residence.
- (f) An undertaking in the form of an affidavit stating that the permit holder shall employ a driver having a Sikkim Subject Certificate or Certificate of Identification. In case the taxi is found to be driven by a driver not having a Sikkim Subject Certificate or Certificate of Identification, the permit shall stand cancelled forthwith. In case of non-availability of such driver, the owner shall be exempted only with the permission of the Government."

P.N Sherpa,
Secretary to the Government of Sikkim,
Transport Department.